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December 5, 1997

HAND DELIVER

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: CC Docket No. 96-98; DA 97-2418
Ex Parte Presentation

Dear Ms. Salas:

Pursuant to Section 1.1206 of the Commission's Rules, this letter is to advise you that representatives of Omnipoint Corporation met yesterday afternoon with Marian Gordon, Erin Duffy, and Patrick Forster, of the Commission's Common Carrier Bureau. During the meeting, Omnipoint presented its position on numbering administration issues, as expressed in the attached talking points "Pennsylvania Numbering." Omnipoint's discussion focussed on the current pending issues concerning the Pennsylvania NPA relief plan, consistent with Omnipoint's December 1, 1997 comments in that docket and with its October 7, 1996 "Petition for Reconsideration and Clarification" filed in CC Dkt. 96-98. Omnipoint also provided Commission staff with copies of the documents attached hereto, which concern the Pennsylvania proceeding and efforts of the wireless industry to negotiate a solution to the matter.

013

Mr. William F. Caton
December 5, 1997
Page 2

In accordance with the Commission's rules, I hereby submit one original and three copies of this letter for inclusion in the above-referenced dockets.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark J. O'Connor", with a stylized flourish at the end.

Mark J. O'Connor
Counsel for Omnipoint Corporation

cc: Marian Gordon
Erin Duffy
Patrick Forster



PENNSYLVANIA NUMBERING

Status and Recommendation

Presentation to the
Federal Communications Commission
December 4, 1997



DISCLAIMER

Positions attributed to parties and industry segments, herein, represent Omnipoint's understanding of such positions.



Omnipoint's Interest in Pennsylvania

- Licenses Held
 - New York MTA
 - Harrisburg, PA BTA
 - Philadelphia, PA-Wilmington, DE-Trenton, NJ BTA
 - Pottsville, PA BTA
 - Reading PA BTA
 - State College, PA BTA
 - Sunbury-Shamokin, PA BTA
 - Williamsport, PA BTA
 - York-Hanover, PA BTA



Status of Numbering in Pennsylvania

NPA	Status	Type Relief	Lottery	Permissive Start	Permissive End	Code Assignment	Code Activations
412	Exhaust	Split - 724		2/1/98	4/30/98	5/1/98	7/16/98
724	New	Split - 412				5/1/98	7/16/98
215	Exhaust	Other	3	Proposed Transparent Overlay			
610	Exhaust	Other	3	Proposed Transparent Overlay			
717	Exhaust	Other	3	Proposed Transparent Overlay			
814	OK						

- New 724 NPA to be implemented in split of 412 NPA. New NXXs not available until July, 1998.
- NPAs 215, 610 and 717 in Exhaust with 3 NXXs being issued per month via Lottery.
 - An NXX in the 717 NPA, requested in April, 1997, was not received until September, 1997.
- 814 NPA not in Jeopardy.



Sources of Number Demand

- Wireline Sector - Rate Center Centric
 - Sector Growth ~4% (Business Lines, Data/Fax, 2nd Lines, SOHO)
(Bell Atlantic Quarterly Report for 2Q97)
 - CLEC Requirements
 - Need Numbers (NXXs until Number Pooling) in each Rate Center
 - Rating of Incoming Calls Critical
 - Primary Source of Customers - ILEC Churn
 - Real Growth Same as Sector
 - Result - Poor Utilization of Numbers within an NXX
- Wireless Sector - Market Centric
 - Sector Growth ~30% (Market Penetration - Price/Services)
(CTIA Statistics for June 1997)
 - CMRS Requirements
 - Need Numbers, but NXX Serves Multiple ILEC Rate Centers
 - Rating of Incoming Calls Important, but not Critical
 - Result - High Utilization of Numbers within an NXX

CLECs are the major source of demand for NXXs.

CMRS are the major source of demand for Numbers



Traditional NPA Relief Alternatives

Party	Split	Overlay
ILEC	NO - Disruption to existing customer base.	YES - No disruption to existing customer base.
CLEC	YES - ILEC customer base disturbed providing competitive opportunity. New customers have no NPA distinction from ILEC	NO - New customers garnered from ILECs will invariably be in new NPA.
State - Wireline Ratepayer	NO - Ratepayer disruption with number changes. YES - Enhances competition.	NO - FCC Mandatory 10-digit dialing causes Ratepayer disruption. Not conducive to competition. Ratepayers in same town, or even same house could be in different NPAs. YES - No need for number changes.
CMRS	NO - Most carriers require handset reprogramming. Long lottery, permissive and embargo periods delay ability to serve new customers. Causes customer disruption.	YES - Numbers effectively available immediately. No handset reprogramming. 10-digit dialing not a significant barrier for some CMRS carriers.



Pennsylvania's Novel Approach

- Requested Assignment of "Transparent" NPA Overlays for 215, 610 and 717 NPAs
 - Utilizes 1,000 Number Block Number Pooling and Number Portability

Party	Transparent Overlay
ILEC	Compromise - No disruption to existing customers. Doesn't competitively disadvantage CLECs, but doesn't help them either. Will not make waves which might disturb InterLATA entry.
CLEC	Compromise - Meets primary objective of access to numbers in existing NPAs. Lottery still a source of full NXXs.
State - Wireline Ratepayer	Meets all major objectives. Permits enhanced competition on a level field between ILEC and CLECs. Causes no forced number changes to ratepayers and does not require 10-digit dialing
CMRS	NO - Cannot participate until number portability capable. Portability not mandated until mid 1999 and resolution of Bell Atlantic Mobile and CTIA court actions. Only source of numbers via lottery from rapidly diminishing pool. Growth artificially inhibited.



Additional CMRS Problems

- Visibility of “Transparent” Number
 - Unlike wireline, every handset (AMPS, TDMA, CDMA) has the capability of viewing the “transparent” Mobile Identification Number.
- E911 and CPN Transmission
 - Although “home” Mobile Switching Center could translate a transparent TN prior to signaling, translation is technically challenged when user is visiting another switch. E911 centers will receive an unreachable “transparent” number for callback.
- Roaming Impacts
 - NXX-X Issue
 - Every roaming table in North America will have to be 10 times larger to accommodate determining which HLR to query for roamer verification.
 - Transparent Number
 - A roaming user’s MIN will not exist in any queryable database.
- **What if every State develops its own Novel Solution?**



History Since PAPUC Order

- PAPUC visit to NANC
 - August 18, 1997: PAPUC presented “transparent” overlay proposal to NANC, requesting release of 3 NPAs.
 - Proposed Accommodation and Letter to FCC
 - August 19, 1997: 14 NANC members voted in favor of an “experimental” release of NPAs to PAPUC conditioned upon:
 - PA’s expeditious movement toward LNP and number pooling;
 - Return of the released NPAs 3 months after LNP implementation; and
 - Assurance that carriers technically incapable of utilizing “transparent” NPAs would have access to needed numbers.
- NANC did not reach consensus.
- August 22, 1997: NANC Chairman Hasselwander forwarded PA issue to FCC without recommendation, separately requesting clarification on “technology neutral” meaning.



History Since PAPUC Order (cont.)

- Subsequent Letter to FCC from NANC Members
 - September 16, 1997: NANC members clarified their positions, urging FCC not to release NPAs to PAPUC.
 - 3 had voted “for” release of NPAs on “experimental” basis.
 - 1 had abstained.
- Indefinite Extension of “Extraordinary Jeopardy” Rationing
 - November 10, 1997: PAPUC notified Code Administrator to continue 3 NXX per month assignment ceiling per NPA “until further notice.”



• CMRS / PAPUC Attempts at Solution

- Nextel Strawman - (October 9, 1997)
 - Transparent Overlay Plan OK for wireline
 - Lottery Lifted, but NXXs Reserved for CMRS and Portability-Challenged CLECs.
 - State to Decide NOW on Relief Plan to Implement as Exhaust of Available NXXs Approaches.

PROBLEM - Discriminatory - Omnipoint did not support.

- PAPUC Counter Proposal - (November 7, 1997)
 - Transparent Overlay Plan OK for wireline
 - Lottery Continued, with NXXs Reserved for CMRS and Portability-Challenged CLECs once existing queue satisfied (11 months).
 - State Refuses to Decide on Relief Plan until Full Exhaust is Imminent due to Political Nature of the Decision.
 - Decision and Implementation of Subsequent Relief would result in Significant Period where no new NXXs would be available (Minimum of 4 months).

PROBLEMS - Discriminatory and still provides no acceptable solution for CMRS



Omnipoint's Recommendation

**Implementation of an
EXPANDED NPA OVERLAY
in conjunction with the
PAPUC Order**



A Word About NPAs

- Historically based on RBOC boundaries with splits determined by ILEC deployment of outside plant facilities.
- Not always geographically contiguous.
- Do not match political boundaries at either State, County or Municipal levels.
- Do not match LATA boundaries.
- Do not align with Commerce communities of interest.
- Overlays exist that are Technology-Specific.
- States have grandfathered CMRS NXXs in Split NPAs.
- Decisions on Relief are heavily influenced by State Politics.

NPA Decisions do not follow any Sacrosanct set of Rules.

The Situation in Pennsylvania provides the FCC the opportunity to be innovative to address 21st Century Communication Needs.



Expanded NPA Overlay

- An NPA with a geographical boundary based on a collection of Major Trading Areas (MTAs) and/or Basic Trading Areas (BTAs).
- Technology Neutral
 - Can be used by CMRS carriers which are not limited to ILEC Rate Center Boundaries
 - Can be used by wireline carriers for all services, but may be competitively attractive for phone services that are NPA insensitive (Modem, Fax, Data, Internet) or for new services
- One of the short-term numbering solutions approved by the CLC and NANC and forwarded to the FCC for consideration.
- Can be implemented quickly - Does not require lengthy permissive or embargo periods.
- No major technological barriers.

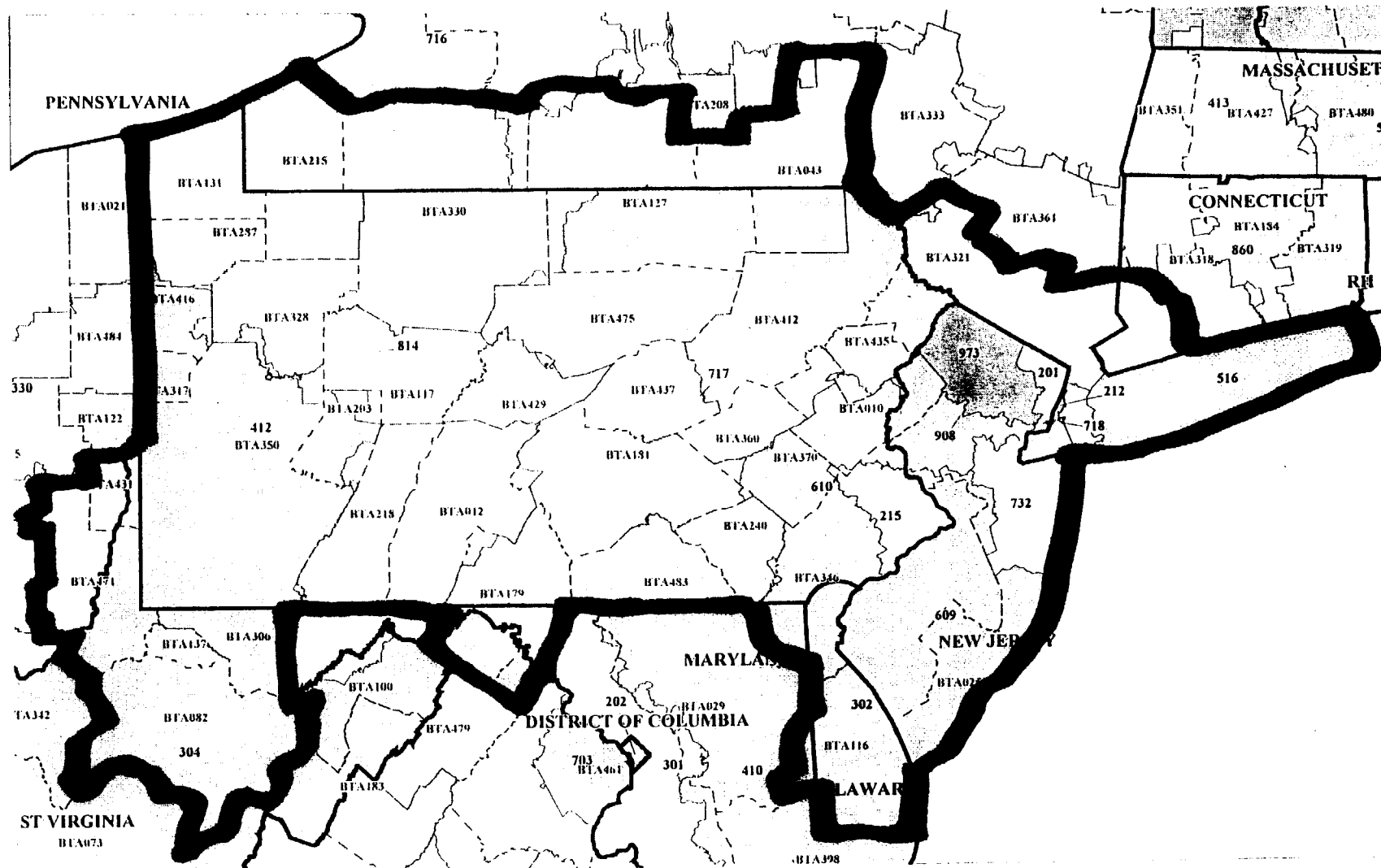


Recommended Scope

- Coverage of the Entire State of Pennsylvania through:
 - All BTAs in the Philadelphia MTA
 - Central & Southeastern Pennsylvania
 - Southern New Jersey
 - Entire State of Delaware
 - Two counties in Maryland
 - All BTAs in the Pittsburgh MTA
 - Southwestern Pennsylvania
 - Portions of Northern West Virginia
 - Four counties in Eastern Ohio
 - Other BTAs entirely in Pennsylvania
 - Erie, Meadville and Sharon BTAs in the Cleveland MTA
 - Scranton-Wilkes Barre and Stroudsburg BTAs in the New York MTA
 - Other BTAs partially in Pennsylvania
 - Binghamton, Corning-Elmira, New York and Easton BTAs in the New York MTA
 - Chambersburg BTA in the Washington MTA
 - Jamestown-Warren and Olean-Bradford BTAs in the Buffalo MTA



Geographic Coverage





Relief to be Derived

State	NPA	Status	Type Relief	Lottery	Permissive Start	Permissive End	Code Assignment	Code Activations
CT	203							
NJ	201	Exhaust	Split - 973	N/A	6/1/97	12/6/97	12/7/98	2/19/98
NJ	609	Jeopardy	Pending	7				
NJ	732	New	Split - 908	N/A			12/7/98	2/19/98
NJ	908	Exhaust	Split - 732	N/A	6/1/97	12/6/97	12/7/98	2/19/98
NJ	973	New	Split - 201	N/A			12/7/98	2/19/98
NY	212	Jeopardy	Only - 646		Not Avail			4/1/98
NY	347	New	Only - 718		Not Avail			1/1/99
NY	516	Jeopardy		4				
NY	646	New	Only - 212		Not Avail			4/1/98
NY	718	Jeopardy	Only - 347		Not Avail			1/1/99
NY	914							
NY	917		N/A					
PA	215	Exhaust	Other	3				
PA	412	Exhaust	Split - 724	2	2/1/98	4/30/98	5/1/98	7/16/98
PA	610	Exhaust	Other	3				
PA	717	Exhaust	Other	3				
PA	724	New	Split - 412				5/1/98	7/16/98
PA	814							



No Need for 10-Digit Dialing

- The Pennsylvania PUC's plan provides access to 1000 Number Blocks within existing NPA-NXXs to meet competitive needs of CLECs.
- The Expanded NPA Overlay provides an alternative source of NXXs for both wireless and wireline carriers to meet customer demand.
- Every NXX used in the Expanded NPA Overlay, in lieu of one from the existing NPA provides one more NXX for other carriers.
- Mandated 10-digit dialing is not necessary to ensure competitively neutral access to numbering resources.
- A Technology-specific Overlay exists in New York City (917 NPA) and the calling public has accepted dialing 10-digits to reach a wireless customer. In fact, there is some indication that the 917 NPA has developed a cachet and is sought by new wireless users.
- The FCC's 10-digit dialing rule contemplated traditional, one-NPA overlays, and should not be read to apply to an Expanded NPA Overlay.
- Resistance to an Expanded NPA Overlay will be significantly reduced if 7-digit dialing within existing NPAs is not impacted.



Implementation Issues

- PSAPs need upgrade to handle multiple NPAs within a geographic region. This is a factor in any NPA relief plan, but Overlays of any type present additional requirements.
- If a Rate Center crosses a county border which is also the Expanded NPA Overlay border, accommodation may be made to include the entire Rate Center.
- Congress placed broad authority over numbering issues with FCC.
- FCC must take action.
 - Not preemption - Pennsylvania is permitted to implement the requested transparent overlays.
 - Mandating additional numbering relief mechanism

November 7, 1997

RE: Vanguard Cellular, Nextel and Bell Atlantic NYNEX v. Pa. PUC,
Nos. 2141, 2255, and 2297 C.D. 1997;
Proposed Settlement re Area Codes Appeal

DISCUSSION PAPER

The Commission suggests the following modifications to the appellants' proposal and safeguards are to be a part of any possible settlement of these appeals:

Rationing of NXXs will continue - The appellants must understand that the Commission does not intend to implement a split or overlay for the 215, 610 and 717 at this time and does intend that pooling with LNP and the interim solution for partial NXX code use with RCF go forward. If rationing were to cease, there would be no chance to use either of these solutions - a split or overlay would have to be implemented immediately.

Exemption For Wireless Carriers - The first point of the wireless proposal is acceptable under certain conditions. There should be language indicating parameters that would determine when full NXX codes might be assigned to non-wireless carriers (if, for example, no 1,000 number blocks were available in a given NXX code, a CLEC has no NXXs in that NPA, etc.). The appellants must commit to conservation procedures such as those set forth in the July 15 order and must indicate how quickly they will recycle numbers. Our understanding is that "code sharing," with one wireless carrier sharing an NXX with one or more wireline carriers, is feasible and will help conserve numbers. There also must be agreement from the major ILECs and CLECs that point one is acceptable, so we do not trade one appeal for another.

Decisional Process - A counter-proposal to the appellants' points two and three is that particular circumstances would trigger a Commission commitment to undertake a decisional process, rather than triggering a pre-approved split or overlay. Points two and three would be combined -- with the "trigger" reached, the Commission would schedule public input hearings, invite written comments and enter a final order approving a split or overlay within 90 days of the trigger. ILECs would implement that order within 9 months of the order.

Suggested Trigger For Decisional Process - The trigger would be the expected exhaust at the end of 8 months, assuming continuance of whatever rationing the NPA Coordinator and Commission had implemented. Since the Commission decision and ILEC implementation together could take up to one year, this might leave a short period in which new NXXs would be unavailable. However, this also leaves a short period for a Commission decision and ILEC implementation.

Reversal of FCC Decision - A condition of settlement is that the appellants must negotiate language in a letter to the FCC concerning the FCC's decision to not approve the additional area codes needed for the interim solution. The appellants must indicate that they agree Bellcore (or Lockheed) should release the area codes as soon as possible.

A tentative order process may be required pursuant to 66 Pa.C.S. §703(g). The appellants agree to work with the Commission to manage the withdrawal of appeals simultaneous with the Commission reconsideration necessary to effectuate settlement.

If the framework of this counter-proposal is generally acceptable, the Commission recognizes the appellants may need to seek client approval; when finalized, any settlement document will also need either formal or informal Commission action.

PA. PUBLIC UTILITY COMMISSION
LAW BUREAU
TELEFAX

Date: 11/07/97

of Pages: 3 (including transmittal sheet)

To: Dan Mullin, Kim Leegan, Rich Rowlenson, Marty Rothfelder, Larry Krevor, John Scott, J.G. Harrington, Joe Divis, Anne Calquhoun, Schelley Jensen, Dan Goldfisher, and Joe Assenzo

From: Lee E. Morrison

Telephone (voice): (717) 772-5408
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Comments: Wireless Appeal PUC Settlement Sheet

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P. O. Box 3265
Harrisburg, PA 17105-3265

**POSSIBLE SAFEGUARDS DISCUSSED
AT 10/9/97 MEETING**

- I. All carriers, except wireless and other PA PUC approved carriers, will receive numbers through the other remedies ordered by PA PUC -- not through receipt of full NXXs. The other carriers to receive full NXXs are carriers that the PA PUC finds that, due to technological constraints, should receive full NXXs. ¹
- II. PA PUC to predecide by 12/15/97 how to implement area code relief in 717, 610 and 215 upon unavailability of numbers pursuant to trigger in III. Carriers to prepare for implementation of said predecision.
- III. If requested full NXXs are not available to wireless carriers or other PA PUC approved full NXX receiving carriers or, in the case of any other carrier, requested numbers are no longer available in 1000 number blocks, area code relief will occur pursuant to a predecision by the PA PUC. Relief process to be triggered [8 months] prior to such unavailability. Certification by administrator that requested numbers (in either 1000 number blocks or full NXXs, as addressed above) will not be not available beginning in [8 months] would, without further action by the PA PUC, trigger predecided area code relief.

Note 1: Procedural problems in addressing this not yet addressed. For example, one concern is what about other carriers opposing (appealing) a new order or the predecided area code relief plan? However, we can address these problems at subsequent meetings.

¹Carriers to apply for this by 20 days from PA PUC issuance of order approving safeguards. PA PUC to decide on any such applications within 30 days. Failure to decide within time frame is deemed approval.